

ORDINANCE NO. 1662

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ANKENY, IOWA, BY AMENDING PROVISIONS PERTAINING TO REGULATION OF FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS.

BE IT ENACTED by the City Council of the City of Ankeny, Iowa:

Section 1. SECTION MODIFIED. Section 101.02 Definitions, of the Code of Ordinances of the City of Ankeny, Iowa is modified by repealing paragraph 4 and the following adopted in lieu thereof:

4. “Food Service Establishment” or “FSE” means an operation or enterprise that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Such facilities may include, but are not limited to, those that process meat or other food ingredients as an intermediate step or for final human consumption, food service operations in a summer camp, residential substance abuse treatment facility, halfway house, correctional facility, school, restaurant, commercial kitchen, caterer, church, hotel, bars, hospital, prison, care institution or similar facility.

Section 2. SECTION MODIFIED. Sections 101.04 and 101.05, of the Code of Ordinances of the City of Ankeny, Iowa are repealed and the following adopted in lieu thereof:

101.04 GREASE INTERCEPTOR INSTALLATION REQUIRED AFTER EFFECTIVE DATE. The owner of a building or facility in which an FSE is located, and the owner or operator of an FSE shall be required to install an approved grease interceptor, and to thereafter operate and maintain same as provided in this division.

101.05 EXEMPTION FROM GREASE INTERCEPTOR INSTALLATION REQUIREMENT FOR EXISTING FACILITIES. The requirements of section 101.04 shall not apply to that portion of a building or facility within which an FSE is in existence on the effective date if:

- (a) The FSE has an existing grease interceptor or grease trap in place as of the effective date and provided that (1) the owner or occupant of the FSE continues to use the interceptor or trap, (2) the interceptor or trap is of sufficient capacity and design, and (3) the interceptor or trap is operated and maintained so as to comply with FOG discharge limits; and

(b) Any repair, remodeling or renovation of the wastewater plumbing system in the existing FSE involves only (1) the repair of leaks or the clearing of stoppages in drains, soil, waste or vent piping, or (2) the removal and reinstallation of a sink, toilet or hot water heater; provided that such work does not involve replacement, rearrangement or moving of wastewater pipes, floor sinks, drainage fixtures or grease traps; and

(c) None of the following conditions are present:

- 1) A building or facility exists on the effective date and is thereafter expanded or renovated, or a portion thereof, to include an FSE where such FSE did not previously exist; or
- 2) An FSE exists on the effective date within a building or facility , or portion of a building or facility, and application is thereafter made for a building permit(s) for such building or facility with valuation of \$50,000 or more within a twelve (12) month period; or
- 3) A building or facility, or portion thereof, that contained an FSE on the effective date but in which an FSE ceases to operate for one year *or* more, as determined by Iowa Department of Inspections& Appeals, Food and Consumer Safety Bureau records.

Section 3. SECTION MODIFIED. Sections 101.06 Compliance Procedure, of the Code of Ordinances of the City of Ankeny, Iowa is modified by repealing paragraphs 2 through 4 and the following adopted in lieu thereof:

2. An FSE shall be deemed compliant, unless the WRA director or local building official or designee determines that an existing grease trap or grease interceptor is incapable of adequately retaining FOG. In such cases, the Director may order the FSE to install an adequate grease interceptor within a specified time period if:

- A. the FSE is found to contribute FOG in quantities above FOG discharge limits; or
- B. the FSE discharges necessitate increased maintenance on the publicly owned treatment works (POTW) in order to keep stoppages from occurring therein; or
- C. the FSE's discharge to the POTW is at anytime determined to exceed four hundred (400) mg/l total FOG.

3. An order directing an existing FSE or the owner or operator of the FSE or the owner of the building or facility in which the FSE is located to install a grease

interceptor shall be in writing from the WRA Director in the form of a notice of violation including a corrective action order, as provided in section 118-488 of this division.

4. FSEs or owners of buildings of facilities within which an FSE is located which are unable to install or replace a grease interceptor due to exceptional physical constraints or economic hardship may appeal to the WRA director for approval of an alternative grease control technology by requesting a hearing in accordance with the provisions of this division. Such requests shall be submitted in writing and shall include detailed descriptions of the FSE's physical or financial constraints and the alternative grease control technology which it proposes to install and utilize.

A. In order to demonstrate exceptional economic hardship, the owner or operator of the FSE shall submit to the WRA director balance sheets and profit and loss statements for FSE for the preceding three (3) years. A new FSE shall submit profit/loss projections or a detailed business plan with projections for twenty-four (24) months. Each request shall be evaluated on a case-by-case basis.

B. Notwithstanding approval of alternative grease control technology, when the WRA director determines that such alternative is not performing adequately, the FSE or owner of the building or facility in which the FSE is located shall be required to take additional grease control measures, which may include the installation of a grease interceptor.

C. In order to demonstrate exceptional physical site constraints preventing the installation of a grease interceptor, the owner or operator of the FSE or owner of the building or facility in which the FSE is located shall submit to the WRA director documentation and plats showing the location of sanitary sewer and any private easements in relation to the building sewer for the building housing the FSE, and showing available space inside or outside the building and drawings of existing plumbing at or in a site that uses common plumbing for all services at that site.

D. An FSE that is given an exemption from installing a properly sized grease interceptor is prohibited from installing or using a dishwasher or garbage disposal without approval of the director and must comply with the conditions of such approval, if any.

Section 4. SECTION MODIFIED. Sections 101.07 Installation of Grease Interceptors and Grease Traps, of the Code of Ordinances of the City of Ankeny, Iowa is modified by repealing paragraphs 1 through 5 and the following adopted in lieu thereof:

SEC. 101.07 INSTALLATION OF GREASE INTERCEPTORS AND GREASE TRAPS. Grease interceptors and grease traps, when required, shall be installed as follows:

1. Grease interceptors and grease traps shall be installed at the expense of the owner or operator of the FSE or owner of the building or facility in which the FSE is located which is contributing wastewater to the POTW.
2. All wastewater streams containing FOG or reasonably likely to contain FOG within FSEs or other FOG generating operations shall be directed into one or more appropriately sized grease interceptor before discharge to the POTW. Grease interceptors shall be either sized by adding the peak design flow rates for all fixtures leading to the grease interceptor and allowing a minimum retention time of thirty (30) minutes or as follows:

Grease Interceptor Sizing						
1. Peak meals per hour						
a. Seating capacity of FSE						
b. Occupancy of FSE						
c. Seating or occupancy x meal factor of 1.3 (45 minute meal) = Peak meals per hour						
* Church: include all area(s) used for meal service						
* Assisted Living / nursing facility: equal to maximum number of residents (per State license)						
2. Waste flow rate, gallons of flow						
a. Commercial, equipped kitchen with dishwasher & one garbage disposal*						7
b. Commercial, equipped kitchen with dishwasher, no garbage disposal						6
c. Commercial, equipped kitchen with no dishwasher, one garbage disposal*						6
d. Commercial, equipped kitchen with no dishwasher, no garbage disposal						5
e. Single service kitchen**						2
* Each additional garbage disposal, add one (1) gallon						
** Single service kitchen = no garbage disposal, no dishwasher and all service is single use						
3. Retention time, hours						
a. Commercial kitchen						2.5
b. Single service kitchen						1.5
4. Storage factor						
a. Commercial Kitchen up to 8 hours of operation						1
b. Commercial kitchen up to 16 hours of operation						2
c. Commercial kitchen up to 24 hours of operation						3
d. Single service kitchen						1.5
Peak Meals per Hour	X	Waste Flow Rate	X	Retention Time	X	Storage Factor
						=
						Calculated Interceptor Size

3. Concrete grease interceptors whether precast or poured in place, shall be designed and manufactured in accordance with ASTM C 1613-08 Standard Specification for Precast Concrete Grease Interceptor Tanks or IAPMO/ANSI

Z1001 Grease Interceptors and shall be installed in accordance with the codes adopted by the jurisdiction in which the FSE is located. Where no code is adopted, the construction and installation shall be in accordance with the Iowa State Plumbing Code and this division. Grease interceptors using materials other than concrete require approval by the director, and shall comply with the conditions of such approval, if any.

4. The building official or other designated official of the governmental subdivision within which the FSE is located shall inspect each grease interceptor installation made pursuant to this division, shall review all relevant information regarding the rated performance of the grease interceptor, and the building plan and facility site plan for the building and site where the grease interceptor has been installed, and shall approve such grease interceptor installation upon determination that the grease interceptor meets all applicable standards and requirements.

5. Grease interceptors shall have a minimum capacity of one thousand (1000) gallons and shall not exceed five thousand (5000) gallons for a single unit. Where a capacity greater than five thousand (5000) gallons is required, several smaller units shall be installed in series, however the capacity shall not exceed ten thousand (10,000) gallons for any single series of interceptors without approval of the director.

Section 5. SECTION MODIFIED. Sections 101.10 Inspection of Grease Interceptors and Related Sewers and Equipment, of the Code of Ordinances of the City of Ankeny, Iowa is repealed and the following adopted in lieu thereof:

SEC. 101.10 INSPECTION OF GREASE INTERCEPTORS AND RELATED SEWERS AND EQUIPMENT. The owner or operator of an FSE shall:

1. Provide, operate and maintain, at its expense, safe and accessible monitoring facilities (such as a suitable manhole), and shall make such monitoring facilities available for inspection, and for sampling and flow measurement of the building sewer or internal drainage systems. There shall be ample room in or near such monitoring facility to allow accurate sampling and preparation of samples for analysis.
2. Allow personnel authorized by the WRA Director or by the City Building Official, bearing proper credentials and identification, to enter upon or into any building, facility or property housing a food service establishment at any reasonable time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this chapter.

3. Upon request by the WRA Director's authorized representative, open any grease interceptor for the purpose of confirming that maintenance frequency is appropriate, that all necessary parts of the installation are in place, including (but not limited to) baffles, influent and effluent tees, and that all grease interceptors and related equipment and piping are maintained in efficient operating condition.
4. Accommodate compliance inspections and sampling events by the authorized representatives of the WRA Director or of the City Building Official. Staff may conduct routine inspections and sampling events of any food service establishment. Non-routine inspection and sampling events shall occur more frequently when there is a history of non-compliance with this chapter and when blockages occur in the City's sanitary sewer system downstream of the food service establishment.

Section 6. SECTION MODIFIED. Sections 101.11 Inspection Fees, of the Code of Ordinances of the City of Ankeny, Iowa is repealed and the following adopted in lieu thereof:

SEC. 101.11 INSPECTION FEES. The fees for inspection of an FSE shall be as provided in section 100.18 and shall be paid within thirty (30) days of the date of the invoice for such fees.

Section 7. SECTION MODIFIED. Sections 101.14 Penalties, of the Code of Ordinances of the City of Ankeny, Iowa is modified by repealing paragraph 2 and the following adopted in lieu thereof:

2. Any person who fails to comply with a pretreatment standard applicable to an FSE shall be guilty of a municipal infraction punishable by a civil penalty of not more than one thousand dollars for each day the violation exists or continues, as provided by section 364.22 or 331.307 of the Iowa Code.

Section 8. SECTION MODIFIED. Sections 101.16 Appeal of Corrective Action Order or Cease and Desist Order, of the Code of Ordinances of the City of Ankeny, Iowa is modified by repealing paragraph 2 and the following adopted in lieu thereof:

2. Such appeal request shall be in writing, shall include the grounds for appeal including any factual findings which are disputed, and shall be delivered to the WRA within ten (10) days after the WRA director's issuance of the order. Such appeal request shall be considered delivered when placed in the mail, return receipt requested, addressed to:

WRA Appeal Committee
%Des Moines Metropolitan Wastewater Reclamation Authority
3000 Vandalia Road
Des Moines, Iowa 50326

Section 8. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 9. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 10. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 7th day of June, 2010.

Steven D. Van Oort, Mayor

ATTEST: _____
Pamela DeMouth, City Clerk

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